



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.11.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.30154 of 2019

N.Rajendran,
S/o.Nallu Thevar,
Othaveedu Patti,
Usalampatti Taluk,
Madurai District.

... Petitioner

/versus/

1. The Inspector of Police,
Dharapuram Police Station,
Tirupur District.

2. The Licensing Authority-cum-Regional Transport Officer,
Dharapuram,
Tirupur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the 2nd respondent herein to return the original driving License (DL.No.TN 58 19950000664) to the Petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For R1 & R2 : Mr.N.Inbanathan,
Additional Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader for the Respondents 1 & 2.

2. The petitioner is the driver in State Transport Corporation, of Coimbatore. His vehicle bearing registration No.TN-58-N-2136 meet with an accident causing the death of motorcyclist on 19.08.2019. A case has been registered against the petitioner under Sections 279 and 304-A of I.P.C. The 1st respondent/Inspector of Police, has retained the driving license of the petitioner and forwarded the same to the 2nd respondent

for appropriate action under the Motor Vehicles Act. The 2nd respondent pursuant to this, had caused notice to the petitioner under Section 19 of Motor Vehicles Act. In response to the notice, the petitioner has given the representation 03.09.2019 explaining he his innocent and sought for return of driving license. Since, no order was passed, the petitioner has approached this Court in filing Writ Petition seeking direction to the 2nd respondent/Licensing Authority-cum-Regional Transport Officer, to return his original driving license forthwith.

3. This Writ Petition was filed before this Court on 16.10.2019 and came up for admission on 23.10.2019. The learned Government Advocate took notice for the Respondents 1 and 2 and sought time to file counter. Hence, the case is listed today.

4. The Learned Additional Government Pleader appearing for the respondents produces the proceedings of the 2nd respondent dated 21.09.2019 indicating that, pursuant to the enquiry conducted by the 2nd respondent under Section 19 of the Motor Vehicles Act, the driving license of the petitioner has been suspended from 03.09.2019 to 30.06.2021. The said order has been passed without any discussion or assigning reason. Further, the Learned Counsel for the Petitioner would submit that, this order was not communicated to the petitioner at no point of time. Only after filing the Writ Petition, this order has come to light.

5. This Court is of the opinion that, the alleged proceedings passed by the 2nd respondent on 21.09.2019 is a make belief document. Pursuant to the filing of the Writ Petition, the 2nd respondent has ventured to issue the proceedings giving antedate and there is no evidence to show that this proceedings was served to the petitioner.

6. Even assuming that the 2nd respondent has conducted enquiry, there is no reason assigned for slapping suspension of driving license for a period of 21 months. Hence, the proceedings alleged to have passed by the 2nd respondent on 21.09.2019 is non est in law.

7. Therefore, the 2nd respondent is directed to return the driving license of the Petitioner forthwith. The 2nd respondent/Licensing Authority-cum-Regional Transport Officer, to cover up his misdeed of withholding the driving license of the petitioner illegally has come out with a document alleged to have been issued in the course of his administration. There is

no evidence to show that the enquiry was conducted. Hence, the 2nd respondent/Licensing Authority-cum-Regional Transport Officer, is directed to pay a cost of Rs.10,000/- to the petitioner herein, who has lost his livelihood, due to the indifferent attitude of the 2nd respondent and for creating fake records to mislead this Court.

8. Accordingly, the Writ Petition is Allowed, with costs of Rs.10,000/- payable by the 2nd respondent to the petitioner herein.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

bsm

To

1. The Inspector of Police,
Dharapuram Police Station,
Tirupur District.
2. The Licensing Authority-cum-Regional Transport Officer,
Dharapuram,
Tirupur District.

+1 CC to The Govt. Pleader sr 95606

+1 CC to Mr.K.Hariharan, Advocate sr 94728

सत्यमेव जयते

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SSD(CO)
SP(19/12/2019)

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